

1991 FEB -6 PM 2:21  
HOUSE OF REPRESENTATIVES

I certify that the attached is a true and  
correct copy of HB # 530, which  
was filed of record on JAN 23 1991  
and referred to the committee on:

natural resources

*Barry Murray*  
Chief Clerk of the House

FILED JAN 23 1991

By Rudd

H.B. No. 530

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties,  
operation, and financing of the Llano Estacado Underground Water  
Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. CREATION. (a) An underground water conservation  
district, to be known as the Llano Estacado Underground Water  
Conservation District, is created in Gaines County, subject to  
approval at a confirmation election under Section 8 of this Act.  
The district is a governmental agency and a body politic and  
corporate.

(b) The district is created under and is essential to  
accomplish the purposes of Article XVI, Section 59, of the Texas  
Constitution.

SECTION 2. DEFINITION. In this Act, "district" means the  
Llano Estacado Underground Water Conservation District.

SECTION 3. BOUNDARIES. The boundaries of the district are  
coextensive with the boundaries of Gaines County, Texas.

SECTION 4. FINDING OF BENEFIT. All of the land and other  
property included within the boundaries of the district will be  
benefited by the works and projects that are to be accomplished by  
the district under powers conferred by Article XVI, Section 59, of  
the Texas Constitution. The district is created to serve a public  
use and benefit.

1           SECTION 5. POWERS.       (a)   The district has all the rights,  
2 powers, privileges, authority, functions, and duties provided by  
3 the general law of this state, including Chapters 50 and 52, Water  
4 Code, applicable to underground water conservation districts  
5 created under Article XVI, Section 59, of the Texas Constitution.  
6 This Act prevails over any provision of general law that is in  
7 conflict or inconsistent with this Act.

8           (b) The rights, powers, privileges, authority, functions,  
9 and duties of the district are subject to the continuing right of  
10 supervision of the state to be exercised by and through the Texas  
11 Water Commission.

12          SECTION 6. BOARD OF DIRECTORS.   (a)   The district is  
13 governed by a board of seven directors.

14          (b) Temporary directors serve until initial directors are  
15 elected under Section 8.

16          (c) Initial directors serve until permanent directors are  
17 elected under Section 9.

18          (d) Permanent directors serve staggered four-year terms.

19          (e) Each director must qualify to serve as director in the  
20 manner provided by Sections 51.078 and 51.079, Water Code.

21          (f) A director serves until the director's successor has  
22 qualified.

23          SECTION 7. TEMPORARY DIRECTORS.   (a)   The temporary board of  
24 directors is composed of:

25               (1) Phil Wallace

26               (2) Dayton Elam

27               (3) Wayne Mixon

1 (4) Doyle Darby

2 (5) A. U. Webb

3 (6) Roy Wicker

4 (7) Horace Hancock

5 (b) If a temporary director fails to qualify for office, the  
6 temporary directors who have qualified shall appoint a person to  
7 fill the vacancy. If at any time there are fewer than three  
8 qualified temporary directors, the Texas Water Commission shall  
9 appoint the necessary number of persons to fill all vacancies on  
10 the board.

11 SECTION 8. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

12 (a) The temporary board of directors shall call and hold an  
13 election to confirm establishment of the district and to elect  
14 seven initial directors.

15 (b) A person who desires to be a candidate for the office of  
16 initial director may file an application with the temporary board  
17 to have the candidate's name printed on the ballot as provided by  
18 Section 52.107, Water Code.

19 (c) At the confirmation and initial directors' election, the  
20 temporary board of directors shall have the names of the seven  
21 persons serving as temporary directors placed on the ballot  
22 together with the name of any candidate filing for the office of  
23 director as provided by Subsection (b) of this section and blank  
24 spaces to write in the names of other persons. If the district is  
25 created at the election, the temporary board of directors, at the  
26 time the vote is canvassed, shall declare the seven persons who  
27 receive the most votes to be elected as the initial directors and

1 shall include the results of the directors' election in its  
2 election report to the Texas Water Commission.

3 (d) Section 41.001(a), Election Code, does not apply to a  
4 confirmation and initial directors' election held as provided by  
5 this section.

6 (e) Except as provided by this section, a confirmation and  
7 initial directors' election must be conducted as provided by  
8 Sections 52.059(b)-(g), Water Code, and the Election Code.

9 SECTION 9. ELECTION OF DIRECTORS. On the first Saturday in  
10 May of the second year after the year in which the district is  
11 authorized to be created at a confirmation election, an election  
12 shall be held in the district for the election of three directors  
13 who shall each serve two-year terms and four directors who shall  
14 each serve four-year terms. Thereafter, on the same date in each  
15 subsequent second year, the appropriate number of directors shall  
16 be elected to the board.

17 SECTION 10. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

18 (a) The proper and legal notice of the intention to introduce this  
19 Act, setting forth the general substance of this Act, has been  
20 published as provided by law, and the notice and a copy of this Act  
21 have been furnished to all persons, agencies, officials, or  
22 entities to which they are required to be furnished by the  
23 constitution and other laws of this state, including the governor,  
24 who has submitted the notice and Act to the Texas Water Commission.

25 (b) The Texas Water Commission has filed its recommendations  
26 relating to this Act with the governor, lieutenant governor, and  
27 speaker of the house of representatives within the required time.

1           (c) All requirements of the constitution and laws of this  
2 state and the rules and procedures of the legislature with respect  
3 to the notice, introduction, and passage of this Act are fulfilled  
4 and accomplished.

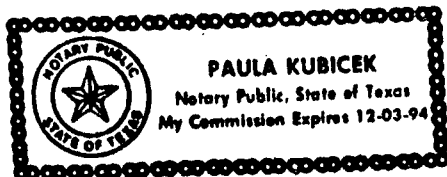
5           SECTION 11. EMERGENCY. The importance of this legislation  
6 and the crowded condition of the calendars in both houses create an  
7 emergency and an imperative public necessity that the  
8 constitutional rule requiring bills to be read on three several  
9 days in each house be suspended, and this rule is hereby suspended,  
10 and that this Act take effect and be in force from and after its  
11 passage, and it is so enacted.

AFFIDAVIT TO PRINTED COPY OF PUBLICATION

Before me, the undersigned authority, on this day personally  
appeared M. Gene Dow, who on his oath stated:  
I am the Publisher of the **SEMINOLE**  
**SENTINEL**, a newspaper published in **GAINES COUNTY, TEXAS**,  
and know the facts stated in this affidavit. The above printed matter is  
a true and correct copy of the publication of the citation of which it  
purports to be a copy, as the same appeared in such newspaper in the  
respective issues of the 23rd, \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and  
\_\_\_\_\_ days of December 90 19  ; the charge of the  
proprietor of such newspaper for such publication being  
\$11.40 dollars.

M. Gene Dow

Subscribed and sworn to before me, this 31 day of  
December 19  90, to certify which, witness my hand and seal  
of office.



Paula Kubicek  
Notary Public, Gaines County, Texas

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## NOTICES

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### NOTICE OF INTENT

This is to give notice of the intent to introduce a bill in the 72nd Legislature -- to be entitled an act relating to the creation of the Llano Estacado Underground Water Conservation District, the boundaries of which would be identical to the County of Gaines boundaries.

Published in The Seminole Sentinel on  
December 23rd, 1990.

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# HOUSE COMMITTEE REPORT

91 MAR -7 PM 9:06

HOUSE OF REPRESENTATIVES

1st Printing

By Rudd

H.B. No. 530

Substitute the following for H.B. No. 530:

By Yost

C.S.H.B. No. 530

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Llano Estacado Underground Water Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. CREATION. (a) An underground water conservation district, to be known as the Llano Estacado Underground Water Conservation District, is created in Gaines County, subject to approval at a confirmation election under Section 10 of this Act. The district is a governmental agency and a body politic and corporate.

(b) The district is created under and is essential to accomplish the purposes of Article XVI, Section 59, of the Texas Constitution.

SECTION 2. DEFINITION. In this Act, "district" means the Llano Estacado Underground Water Conservation District.

SECTION 3. BOUNDARIES. The boundaries of the district are coextensive with the boundaries of Gaines County, Texas.

SECTION 4. FINDING OF BENEFIT. All of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by Article XVI, Section 59, of the Texas Constitution. The district is created to serve a public use and benefit.



1           SECTION 5.   POWERS.       (a)   The district has all the rights,  
2 powers, privileges, authority, functions, and duties provided by  
3 the general law of this state, including Chapters 50 and 52, Water  
4 Code, applicable to underground water conservation districts  
5 created under Article XVI, Section 59, of the Texas Constitution.  
6 This Act prevails over any provision of general law that is in  
7 conflict or inconsistent with this Act.

8           (b) The rights, powers, privileges, authority, functions,  
9 and duties of the district are subject to the continuing right of  
10 supervision of the state to be exercised by and through the Texas  
11 Water Commission.

12          SECTION 6.   ELECTION OF DIRECTORS. (a) The directors of the  
13 district shall be elected according to the commissioners precinct  
14 method as provided by this Act.

15          (b) One director shall be elected by the electors of the  
16 entire district and one director shall be elected from each county  
17 commissioners precinct by the electors of that precinct.

18          (c) A person shall indicate on the application for a place  
19 on the ballot the precinct that the person seeks to represent or  
20 that the person seeks to represent the district at large.

21          (d) At the first election after the county commissioners  
22 precincts are redrawn under Article V, Section 18, of the Texas  
23 Constitution, four new directors shall be elected to represent the  
24 precincts. The directors elected shall draw lots to determine  
25 their terms.

26          SECTION 7.   BOARD   OF DIRECTORS.       (a) The district is  
27 governed by a board of five directors.

1           (b) A vacancy in the office of director shall be filled by  
2 appointment of the board until the next election for directors. If  
3 the position is not scheduled to be filled at the election, the  
4 person elected to fill the position shall serve only for the  
5 remainder of the unexpired term.

6           (c) To be eligible to serve as director, a person must be a  
7 registered voter in the precinct from which the person is elected  
8 or appointed if representing a precinct or in the district if  
9 representing the district at large.

10          SECTION 8. SERVICE OF DIRECTORS. (a) Temporary directors  
11 serve until initial directors are elected under Section 10.

12          (b) Initial directors serve until permanent directors are  
13 elected under Section 11.

14          (c) Permanent directors serve staggered four-year terms.

15          (d) Each director must qualify to serve as director in the  
16 manner provided by Sections 51.078 and 51.079, Water Code.

17          (e) A director serves until the director's successor has  
18 qualified.

19          SECTION 9. TEMPORARY DIRECTORS. (a) The temporary board of  
20 directors is composed of:

21               (1) Phil Wallace - at large

22               (2) Roy Wicker - Precinct No. 1

23               (3) Horace Hancock - Precinct No. 2

24               (4) Doyle Darby - Precinct No. 3

25               (5) Earl Houston - Precinct No. 4

26          (b) If a temporary director fails to qualify for office, the  
27 temporary directors who have qualified shall appoint a person to

1 fill the vacancy. If at any time there are fewer than three  
2 qualified temporary directors, the Texas Water Commission shall  
3 appoint the necessary number of persons to fill all vacancies on  
4 the board.

5 SECTION 10. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

6 (a) The temporary board of directors shall call and hold an  
7 election to confirm establishment of the district and to elect five  
8 initial directors.

9 (b) A person, including a temporary director, who desires to  
10 be a candidate for the office of initial director may file an  
11 application with the temporary board to have the candidate's name  
12 printed on the ballot as provided by Section 52.107, Water Code.

13 (c) At the confirmation and initial directors' election, the  
14 temporary board of directors shall have the name of any candidate  
15 filing for the office of director as provided by Subsection (b) of  
16 this section placed on the ballot and blank spaces to write in the  
17 names of other persons. If the district is created at the  
18 election, the temporary board of directors, at the time the vote is  
19 canvassed, shall declare the person who receives the most votes in  
20 each precinct to be elected as director for that precinct and the  
21 person who receives the most votes in the district to be elected as  
22 director for the district at large. The district shall include the  
23 results of the directors' election in its election report to the  
24 Texas Water Commission.

25 (d) Section 41.001(a), Election Code, does not apply to a  
26 confirmation and initial directors' election held as provided by  
27 this section.

1           (e) Except as provided by this section, a confirmation and  
2 initial directors' election must be conducted as provided by  
3 Sections 52.059(b)-(g), Water Code, and the Election Code.

4           SECTION 11. ELECTION OF DIRECTORS. On the first Saturday in  
5 May of the second year after the year in which the district is  
6 authorized to be created at a confirmation election, an election  
7 shall be held in the district for the election of the directors for  
8 Precinct Nos. 1 and 3, who shall each serve two-year terms, and the  
9 directors for Precinct Nos. 2 and 4 and for the district at large,  
10 who shall each serve four-year terms. Thereafter, on the same date  
11 in each subsequent second year, the appropriate number of directors  
12 shall be elected to the board.

13           SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

14           (a) The proper and legal notice of the intention to introduce this  
15 Act, setting forth the general substance of this Act, has been  
16 published as provided by law, and the notice and a copy of this Act  
17 have been furnished to all persons, agencies, officials, or  
18 entities to which they are required to be furnished by the  
19 constitution and other laws of this state, including the governor,  
20 who has submitted the notice and Act to the Texas Water Commission.

21           (b) The Texas Water Commission has filed its recommendations  
22 relating to this Act with the governor, lieutenant governor, and  
23 speaker of the house of representatives within the required time.

24           (c) All requirements of the constitution and laws of this  
25 state and the rules and procedures of the legislature with respect  
26 to the notice, introduction, and passage of this Act are fulfilled  
27 and accomplished.

1           SECTION 13. EMERGENCY. The importance of this legislation  
2 and the crowded condition of the calendars in both houses create an  
3 emergency and an imperative public necessity that the  
4 constitutional rule requiring bills to be read on three several  
5 days in each house be suspended, and this rule is hereby suspended,  
6 and that this Act take effect and be in force from and after its  
7 passage, and it is so enacted.

COMMITTEE REPORT

The Honorable Gib Lewis  
Speaker of the House of Representatives

March 4, 1991  
(date)

Sir:  
We, your COMMITTEE ON NATURAL RESOURCES,  
to whom was referred HB 530 have had the same under consideration and beg to report  
(measure)

back with the recommendation that it  
( ) do pass, without amendment.  
( ) do pass, with amendment(s).  
(x) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.  
A fiscal note was requested. ( ) yes (x) no An author's fiscal statement was requested. (x) yes ( ) no  
A criminal justice policy impact statement was requested. ( ) yes (x) no  
An equalized educational funding impact statement was requested. ( ) yes (x) no  
An actuarial analysis was requested. ( ) yes (x) no  
A water development policy impact statement was requested. (x) yes ( ) no  
A federal funds impact statement was requested. ( ) yes (x) no  
(x) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.  
This measure (x) proposes new law. ( ) amends existing law.  
House Sponsor of Senate Measure \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Lewis, R., Ch.	x			
Willy, V.C.	x			
Collazo, C.B.O.				x
Bosse	x			
Greenberg	x			
Haggerty	x			
Hilderbran	x			
Puente	x			
Yost	x			

Total  
8 aye  
0 nay  
0 present, not voting  
1 absent

Gib Lewis  
CHAIRMAN  
Deborah K. McCall  
COMMITTEE COORDINATOR

HB 530  
By: Rudd  
CSHB 530  
By: Yost

Committee on  
Natural Resources

## BILL ANALYSIS

### BACKGROUND

It is believed that the creation of the Llano Estacado Underground Water Conservation District would be of benefit to the residents in the area.

### PURPOSE OF THE BILL

This bill creates the Llano Estacado Underground Water Conservation District.

### SECTION BY SECTION ANALYSIS

Section 1. Creates the district and finds the district essential to accomplish the purposes of Article XVI, Section 59, Texas Constitution.

Section 2. Defines "district."

Section 3. Sets the district's boundaries coextensive with the boundaries of Gaines County.

Section 4. Legislative finding of public use and benefit.

Section 5. Provides for the district's powers, including Chapters 50 and 52, Water Code, and Article XVI, Section 59, Texas Constitution. Provides for the continuing supervision by the Texas Water Commission.

Section 6. Provides for a board to be elected according to the commissioner's precinct method in this Act.

Section 7. Provides for a board of five directors, the filling of vacancies, and eligibility requirements.

Section 8. Provides for temporary directors, initial directors, and staggered four-year terms and qualifications for permanent directors, to follow Sections 51.078 and 51.079, Water Code.

Section 9. Names temporary directors and their precincts. Provides for the filling of vacancies.

Section 10. Provides for a confirmation and initial director's election as governed by Sections 52.059(b)-(g), Water Code, and Election Code.

Section 11. Provides for the election of the directors on the first Saturday in May after the district confirmation election. Directors shall serve two (precincts 1 and 3) and four (precincts 2 and 4 and at large) year terms.

Section 12. Legislative finding that procedural requirements have been met.

Section 13. Emergency clause. Effective date: upon passage.

### RULEMAKING AUTHORITY

It is the opinion of this committee that this bill does not delegate rulemaking authority to any state agency, officer, department, or institution.

## COMPARISON OF SUBSTITUTE TO ORIGINAL BILL

CSHB 530 provides for the permanent directors' election according to the commissioner's precinct method, their filling of vacancies, and their eligibility requirements. It also decreases the number of directors from seven to five.

## SUMMARY OF COMMITTEE ACTION

HB 530 was referred directly to the Subcommittee on Water Districts on February 7, 1991. Notice was posted in accordance with House Rules and HB 530 was heard in a public hearing of the Subcommittee on February 26, 1991. Phil Wallace, a farmer representing citizens for the creation of the district testified in favor of the bill. Doyle Darby and Horace Hancock, also farmers representing citizens for the creation of the district, did not testify, but recorded support for the bill. The motion to report the bill back to the full committee with substitute carried by a vote of 2 ayes, 0 nays, 0 PNV, and 1 absent. The Subcommittee Report on HB 530 was taken up at a Full Committee hearing on March 4, 1991. No witnesses were present on the bill. The motion to report HB 530 with substitute favorably back to the full House and be placed on the Local and Consent Calendar carried by a vote of 8 ayes, 0 nays, 0 PNV, and 1 absent. carried by a motion



# Texas House of Representatives



- ☐ P.O. Box 2910  
Austin, Texas 78768-2910  
(512) 463-0678  
Rm. 313, Capitol
- ☐ 420 W. Main  
Brownfield, Texas 79316  
(806) 637-7616

STATE REPRESENTATIVE

*Jim D. Rudd*

February 15, 1991

The Honorable Ron Lewis, Chair  
Committee on Natural Resources  
Reagan Building, Room 214

Dear Chairman Lewis:

Below are the fiscal projections for my bill, HB 530, relating to the creation, administration, powers, duties, operation, and financing of the Llano Estacado Underground Water Conservation District.

1992 -	\$100,000
1993 -	75,000
1994 -	75,000
1995 -	75,000
1996 -	75,000

Please feel free to contact me if I can be of further service.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim D. Rudd", written over a horizontal line.

Jim D. Rudd

/jfe

# TEXAS WATER COMMISSION



B. J. Wynne, III, Chairman  
John E. Birdwell, Commissioner  
Cliff Johnson, Commissioner

John J. Vay, General Counsel  
Michael E. Field, Chief Hearings Examiner  
Brenda W. Foster, Chief Clerk

Allen Beinke, Executive Director

February 4, 1991

The Honorable Gib Lewis  
Speaker of the House of Representatives  
State Capitol Building, Room 238  
Austin, Texas 78701

Re: Responsibility of the Texas Water Commission to submit a recommendation on legislation pursuant to Article XVI, Section 59 (d), Texas Constitution; and Responsibility of the Texas Water Commission and the Texas Water Development Board to submit a water development policy impact statement pursuant to HOUSE RULE 4, Section 37.

H.B. 530 by Rudd

Relating to the creation of the Llano Estacado  
Underground Water Conservation District

Dear Speaker Lewis:

The following attachment is submitted in response to the above-referenced constitutional and house rule requirements. Comments 1) and 4) were provided by the Texas Water Development Board and comments on the remaining items were provided by the Texas Water Commission.

Respectfully yours,

A handwritten signature in cursive script that reads "Allen Beinke".

Allen Beinke  
Executive Director

Enclosures

cc: Representative Lewis, Chairman  
House Natural Resources Committee  
Representative Rudd

TEXAS WATER COMMISSION AND TEXAS WATER DEVELOPMENT BOARD  
COMMENTS RELATING TO THE LLANO ESTACADO  
UNDERGROUND WATER CONSERVATION DISTRICT

Water Development Policy Impact Statement for House Bill 530 (H.B. 530) Regular Session, 72nd Legislature, relating to the creation, administration, powers, duties, operation, and financing of the Llano Estacado Underground Water Conservation District follows.

Wells located within the confines of this proposed district, which encompasses all of Gaines County, obtain their water principally from the Ogallala (High Plains) aquifer which underlies the entire county. Additionally, Cretaceous rocks which are in hydrologic continuity with the Ogallala are considered to be part of the High Plains aquifer, can also yield water to wells. There appears to be no hydrogeologic justification for the determination of district boundaries. Gaines County has been included as part of a Water Commission/Water Development Board Critical Area study currently underway.

H.B. 530 provides that the proposed district would have all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 50 and 52, Texas Water Code, applicable to underground water conservation districts created under Article XVI, Section 59, of the Texas Constitution. Specific impact statements related to required headings follow.

- 1) **Population projections** - The proposed District is coterminous with the boundaries of Gaines County. In 1980, the population of Gaines County was 13,150 residents. The County's population growth pattern over the last ten years reflects a

continuing increase in the number of residents with a 1990 population of 14,123. The Board's projected population for Gaines County indicates a continuation of this trend over the next twenty years with a population ranging from 15,129 to 15,523 residents.

- 2) District finances - The financing of the district is authorized by reference to Chapter 52, Water Code. The district may issue and sell bonds, and levy ad valorem taxes to pay for all or part of the bonds and for the district's maintenance. The tax rate is unlimited for the payment of bonds issued by the district. The tax rate shall not exceed 50 cents on each \$100 of assessed valuation for maintenance taxes. The board shall also include in any bond and tax proposition the maximum amount of bonds to be issued and their maximum maturity date.
- 3) **Board of directors & powers** - This proposed district is to be governed by a board of seven directors. The bill provides for and describes three sets of boards of directors. These are a temporary board, an initial permanent board, and the permanent board. The temporary directors are listed in the act. If a temporary director fails to qualify for office, the qualified temporary directors shall appoint a person to fill the vacancy. In the event there are fewer than three qualified temporary directors, the Texas Water Commission shall appoint the necessary number of persons to fill the vacancies. Temporary directors serve until initial permanent directors are elected and the initial permanent directors serve until the permanent directors are elected. Other than initial permanent directors, permanent directors

serve staggered four-year terms. Each director serves until his successor has qualified. Each director must qualify in the manner provided by Sections 51.078 and 51.079, Texas Water Code.

The temporary board shall call and hold a confirmation election including the election of seven initial permanent directors. A person who desires to be a candidate for the office of initial permanent director may file an application with the temporary board to have their name printed on the ballot as provided by Section 52.107, Texas Water Code. At the election, the names of the seven persons serving as temporary directors, together with any candidate filing for the office of director, shall be placed on the ballot. The ballot shall also provide blank spaces to write in the names of other persons. If the district is created at this election, the temporary directors at the time the vote is canvassed, shall declare the persons who receive the most votes to be elected as the initial permanent directors. The district shall include the results of the election in its election report to the Texas Water Commission. Section 41.001(a), Election Code, does not apply to the confirmation election; however, it must be conducted as provided by Sections 52.059(b) - (g), Texas Water Code, and the Election Code.

On the first Saturday of May of the second year after the year in which the district is authorized to be created, an election shall be held for the election of three permanent directors who shall serve two-year terms and four permanent directors who shall each serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board. Thus, the permanent directors

serve staggered four-year terms.

The district will have all of the rights, powers, privileges, authority, functions, and duties provided by the general law of the state, including Chapters 50 and 52, Texas Water Code, applicable to underground water conservation districts created under Article XVI, Section 59 of the Texas Constitution. These will primarily include the making and enforcement of rules for conserving, preserving, protecting, recharging, controlling subsidence, and preventing the waste of water of an underground water reservoir. The district would also have the authority to regulate spacing and production of water wells. This act prevails over any provision of general law that is in conflict or inconsistent with it.

- 4) **Effect on Texas Water Development Board's water plan -** Current and future water needs of the population, agriculture, and industries of Gaines County will continue to be supplied from ground water resources of the area. The Board finds that creation of the proposed District agrees with the Board's State Water Plan objectives of promoting the efficient use of ground-water resources and ground-water management programs for addressing local ground-water problems in order to enhance the availability and use of local ground-water supplies.
- 5) **Texas Water Commission's supervision -** This proposed district will be under the "continuing right of supervision of the State of Texas" by the Commission as set out by Section 12.081 of the Texas Water Code. It is also subject to applicable general reporting provision requirements for all districts as set out in Sections

50.101 through 50.106, Texas Water Code, as well as the general reporting requirements mandated by the Texas Water Commission.

Annually, the district shall make available to the Commission information that it acquires concerning underground water resources within its jurisdiction. The district shall also provide information to the Commission concerning its plans and activities in conserving and protecting underground water resources (Section 52.173).

Issuance of bonds and notes authorized for certain items must be approved by the Commission in the manner provided for in Chapter 52, Subchapter G, Texas Water Code. These include those authorized to: 1) erect or construct dams or to drain lakes, draws, depressions, and creeks; 2) install pumps and other equipment; and, 3) provide necessary facilities for the purchase, sale, transportation, and distribution of water.

- 6) **Eminent domain power** - This district may exercise this power to acquire any land or other property necessary to carry out this act.
- 7) **Exclusion of land from district** - This bill contains no specific provisions for the exclusion of land from the district.
- 8) **Adequacy of the boundary description** - The bill provides that the district include all the area of Gaines County, therefore, the boundary description is adequate in terms of closure. Portions of this county lie within Subdivision No. 4 of the Underground Water Reservoir in the Ogallala Formation, South of the Canadian River, which was delineated in 1956. This area was also part of

The South Plains Underground Water Conservation District No. 4, which was created in 1966 and ruled invalid by the Texas Supreme Court. Another attempt was made to form a district, but it was not confirmed by the voters. There are no apparent conflicts between the boundaries of this district and other existing entities. However, with the introduction of H.B. 456 which would create the Gaines County Solid Waste Disposal District encompassing the whole county, future coordination between the districts may be required.

9) **Comment on powers and duties different from similar types of districts -**

This bill proposes the creation of an underground water conservation district, with the powers that are given in Chapters 50 and 52, Texas Water Code, related to these districts. There are no unusual or special powers or duties which have been granted to this district.

It is noted that Chapter 52 was amended in 1989 to remove references to Chapter 51. A new section was added to Chapter 52 providing for the oath of office taken by directors. This provision, Section 52.108, conflicts with Section 51.078 referenced specifically in H.B. 530. However, the bill does contain the standard language providing that the act shall prevail in cases of conflict with general laws.



REQUEST FOR WATER DEVELOPMENT POLICY IMPACT STATEMENT

HOUSE OF REPRESENTATIVES  
STATE OF TEXAS

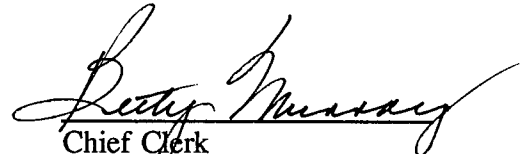
TO: Texas Water Commission

SUBJECT: A Bill Relating to the Creation of a Conservation and Reclamation District

This is to transmit to you a copy of H. B. No. 530, a bill relating to the creation of a conservation and reclamation district, for preparation of a water development policy impact statement, under House Rule 4, Section 36.

JAN 23 1991


Date transmitted to  
Texas Water Commission

  
Chief Clerk  
House of Representatives

-----  
TO: The Honorable Members of the  
Texas House of Representatives

SUBJECT: A Bill Relating to the Creation of a Conservation and Reclamation District

Attached is the Water Development Policy Impact Statement prepared by the Texas Water Commission and the Texas Water Development Board for the above mentioned bill, in compliance with House Rule 4, Section 36.

  
Executive Director  
Texas Water Commission

FOR CHIEF CLERK USE

IMPACT STATEMENT RECEIVED FROM TEXAS WATER COMMISSION ON FEB 12 1991  
date

IMPACT STATEMENT DELIVERED TO COMMITTEE ON Natural Resources  
name of committee  
ON Feb 12, 1991  
date

**ADOPTED**

MAR 27 1991

*Betty Murray*  
Chief Clerk  
House of Representatives

By Rudd

H.B. No. 530

Substitute the following for H.B. No. 530:

By

*Yost*

C.S.H.B. No. 530

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Llano Estacado Underground Water Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. CREATION. (a) An underground water conservation district, to be known as the Llano Estacado Underground Water Conservation District, is created in Gaines County, subject to approval at a confirmation election under Section 10 of this Act. The district is a governmental agency and a body politic and corporate.

(b) The district is created under and is essential to accomplish the purposes of Article XVI, Section 59, of the Texas Constitution.

SECTION 2. DEFINITION. In this Act, "district" means the Llano Estacado Underground Water Conservation District.

SECTION 3. BOUNDARIES. The boundaries of the district are coextensive with the boundaries of Gaines County, Texas.

SECTION 4. FINDING OF BENEFIT. All of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by Article XVI, Section 59, of the Texas Constitution. The district is created to serve a public use and benefit.

1           SECTION 5. POWERS.     (a)   The district has all the rights,  
2 powers, privileges, authority, functions, and duties provided by  
3 the general law of this state, including Chapters 50 and 52, Water  
4 Code, applicable to underground water conservation districts  
5 created under Article XVI, Section 59, of the Texas Constitution.  
6 This Act prevails over any provision of general law that is in  
7 conflict or inconsistent with this Act.

8           (b) The rights, powers, privileges, authority, functions,  
9 and duties of the district are subject to the continuing right of  
10 supervision of the state to be exercised by and through the Texas  
11 Water Commission.

12          SECTION 6. ELECTION OF DIRECTORS. (a) The directors of the  
13 district shall be elected according to the commissioners precinct  
14 method as provided by this Act.

15          (b) One director shall be elected by the electors of the  
16 entire district and one director shall be elected from each county  
17 commissioners precinct by the electors of that precinct.

18          (c) A person shall indicate on the application for a place  
19 on the ballot the precinct that the person seeks to represent or  
20 that the person seeks to represent the district at large.

21          (d) At the first election after the county commissioners  
22 precincts are redrawn under Article V, Section 18, of the Texas  
23 Constitution, four new directors shall be elected to represent the  
24 precincts. The directors elected shall draw lots to determine  
25 their terms.

26          SECTION 7. BOARD OF DIRECTORS. (a) The district is  
27 governed by a board of five directors.

1 (b) A vacancy in the office of director shall be filled by  
2 appointment of the board until the next election for directors. If  
3 the position is not scheduled to be filled at the election, the  
4 person elected to fill the position shall serve only for the  
5 remainder of the unexpired term.

6 (c) To be eligible to serve as director, a person must be a  
7 registered voter in the precinct from which the person is elected  
8 or appointed if representing a precinct or in the district if  
9 representing the district at large.

10 SECTION 8. SERVICE OF DIRECTORS. (a) Temporary directors  
11 serve until initial directors are elected under Section 10.

12 (b) Initial directors serve until permanent directors are  
13 elected under Section 11.

14 (c) Permanent directors serve staggered four-year terms.

15 (d) Each director must qualify to serve as director in the  
16 manner provided by Sections 51.078 and 51.079, Water Code.

17 (e) A director serves until the director's successor has  
18 qualified.

19 SECTION 9. TEMPORARY DIRECTORS. (a) The temporary board of  
20 directors is composed of:

21 (1) Phil Wallace - at large

22 (2) Roy Wicker - Precinct No. 1

23 (3) Horace Hancock - Precinct No. 2

24 (4) Doyle Darby - Precinct No. 3

25 (5) Earl Houston - Precinct No. 4

26 (b) If a temporary director fails to qualify for office, the  
27 temporary directors who have qualified shall appoint a person to

1 fill the vacancy. If at any time there are fewer than three  
2 qualified temporary directors, the Texas Water Commission shall  
3 appoint the necessary number of persons to fill all vacancies on  
4 the board.

5 SECTION 10. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

6 (a) The temporary board of directors shall call and hold an  
7 election to confirm establishment of the district and to elect five  
8 initial directors.

9 (b) A person, including a temporary director, who desires to  
10 be a candidate for the office of initial director may file an  
11 application with the temporary board to have the candidate's name  
12 printed on the ballot as provided by Section 52.107, Water Code.

13 (c) At the confirmation and initial directors' election, the  
14 temporary board of directors shall have the name of any candidate  
15 filing for the office of director as provided by Subsection (b) of  
16 this section placed on the ballot and blank spaces to write in the  
17 names of other persons. If the district is created at the  
18 election, the temporary board of directors, at the time the vote is  
19 canvassed, shall declare the person who receives the most votes in  
20 each precinct to be elected as director for that precinct and the  
21 person who receives the most votes in the district to be elected as  
22 director for the district at large. The district shall include the  
23 results of the directors' election in its election report to the  
24 Texas Water Commission.

25 (d) Section 41.001(a), Election Code, does not apply to a  
26 confirmation and initial directors' election held as provided by  
27 this section.

1           (e) Except as provided by this section, a confirmation and  
2 initial directors' election must be conducted as provided by  
3 Sections 52.059(b)-(g), Water Code, and the Election Code.

4           SECTION 11. ELECTION OF DIRECTORS. On the first Saturday in  
5 May of the second year after the year in which the district is  
6 authorized to be created at a confirmation election, an election  
7 shall be held in the district for the election of the directors for  
8 Precinct Nos. 1 and 3, who shall each serve two-year terms, and the  
9 directors for Precinct Nos. 2 and 4 and for the district at large,  
10 who shall each serve four-year terms. Thereafter, on the same date  
11 in each subsequent second year, the appropriate number of directors  
12 shall be elected to the board.

13           SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

14           (a) The proper and legal notice of the intention to introduce this  
15 Act, setting forth the general substance of this Act, has been  
16 published as provided by law, and the notice and a copy of this Act  
17 have been furnished to all persons, agencies, officials, or  
18 entities to which they are required to be furnished by the  
19 constitution and other laws of this state, including the governor,  
20 who has submitted the notice and Act to the Texas Water Commission.

21           (b) The Texas Water Commission has filed its recommendations  
22 relating to this Act with the governor, lieutenant governor, and  
23 speaker of the house of representatives within the required time.

24           (c) All requirements of the constitution and laws of this  
25 state and the rules and procedures of the legislature with respect  
26 to the notice, introduction, and passage of this Act are fulfilled  
27 and accomplished.

1           SECTION 13. EMERGENCY. The importance of this legislation  
2 and the crowded condition of the calendars in both houses create an  
3 emergency and an imperative public necessity that the  
4 constitutional rule requiring bills to be read on three several  
5 days in each house be suspended, and this rule is hereby suspended,  
6 and that this Act take effect and be in force from and after its  
7 passage, and it is so enacted.

# HOUSE ENGROSSMENT

91 APR -2 PM 6:55

HOUSE OF REPRESENTATIVES

By Rudd

H.B. No. 530

## A BILL TO BE ENTITLED

### AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Llano Estacado Underground Water Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. CREATION. (a) An underground water conservation district, to be known as the Llano Estacado Underground Water Conservation District, is created in Gaines County, subject to approval at a confirmation election under Section 10 of this Act. The district is a governmental agency and a body politic and corporate.

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2 powers, privileges, authority, functions, and duties provided by  
3 the general law of this state, including Chapters 50 and 52, Water  
4 Code, applicable to underground water conservation districts  
5 created under Article XVI, Section 59, of the Texas Constitution.  
6 This Act prevails over any provision of general law that is in  
7 conflict or inconsistent with this Act.

8           (b) The rights, powers, privileges, authority, functions,  
9 and duties of the district are subject to the continuing right of  
10 supervision of the state to be exercised by and through the Texas  
11 Water Commission.

12          SECTION 6. ELECTION OF DIRECTORS. (a) The directors of the  
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14 method as provided by this Act.

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16 entire district and one director shall be elected from each county  
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18          (c) A person shall indicate on the application for a place  
19 on the ballot the precinct that the person seeks to represent or  
20 that the person seeks to represent the district at large.

21          (d) At the first election after the county commissioners  
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5 remainder of the unexpired term.

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25               (5) Earl Houston - Precinct No. 4

26          (b) If a temporary director fails to qualify for office, the  
27 temporary directors who have qualified shall appoint a person to

1 fill the vacancy. If at any time there are fewer than three  
2 qualified temporary directors, the Texas Water Commission shall  
3 appoint the necessary number of persons to fill all vacancies on  
4 the board.

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11 application with the temporary board to have the candidate's name  
12 printed on the ballot as provided by Section 52.107, Water Code.

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14 temporary board of directors shall have the name of any candidate  
15 filing for the office of director as provided by Subsection (b) of  
16 this section placed on the ballot and blank spaces to write in the  
17 names of other persons. If the district is created at the  
18 election, the temporary board of directors, at the time the vote is  
19 canvassed, shall declare the person who receives the most votes in  
20 each precinct to be elected as director for that precinct and the  
21 person who receives the most votes in the district to be elected as  
22 director for the district at large. The district shall include the  
23 results of the directors' election in its election report to the  
24 Texas Water Commission.

25 (d) Section 41.001(a), Election Code, does not apply to a  
26 confirmation and initial directors' election held as provided by  
27 this section.

1           (e) Except as provided by this section, a confirmation and  
2 initial directors' election must be conducted as provided by  
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6 authorized to be created at a confirmation election, an election  
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8 Precinct Nos. 1 and 3, who shall each serve two-year terms, and the  
9 directors for Precinct Nos. 2 and 4 and for the district at large,  
10 who shall each serve four-year terms. Thereafter, on the same date  
11 in each subsequent second year, the appropriate number of directors  
12 shall be elected to the board.

13           SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

14           (a) The proper and legal notice of the intention to introduce this  
15 Act, setting forth the general substance of this Act, has been  
16 published as provided by law, and the notice and a copy of this Act  
17 have been furnished to all persons, agencies, officials, or  
18 entities to which they are required to be furnished by the  
19 constitution and other laws of this state, including the governor,  
20 who has submitted the notice and Act to the Texas Water Commission.

21           (b) The Texas Water Commission has filed its recommendations  
22 relating to this Act with the governor, lieutenant governor, and  
23 speaker of the house of representatives within the required time.

24           (c) All requirements of the constitution and laws of this  
25 state and the rules and procedures of the legislature with respect  
26 to the notice, introduction, and passage of this Act are fulfilled  
27 and accomplished.

1           SECTION 13. EMERGENCY. The importance of this legislation  
2 and the crowded condition of the calendars in both houses create an  
3 emergency and an imperative public necessity that the  
4 constitutional rule requiring bills to be read on three several  
5 days in each house be suspended, and this rule is hereby suspended,  
6 and that this Act take effect and be in force from and after its  
7 passage, and it is so enacted.

# Texas House of Representatives



☐ P.O. Box 2910  
Austin, Texas 78768-2910  
(512) 463-0678  
Rm. 313, Capitol

☐ 420 W. Main  
Brownfield, Texas 79316  
(806) 637-7616

STATE REPRESENTATIVE

*Jim D. Rudd*

February 15, 1991

The Honorable Ron Lewis, Chair  
Committee on Natural Resources  
Reagan Building, Room 214

Dear Chairman Lewis:

Below are the fiscal projections for my bill, HB 530, relating to the creation, administration, powers, duties, operation, and financing of the Llano Estacado Underground Water Conservation District.

1992 -	\$100,000
1993 -	75,000
1994 -	75,000
1995 -	75,000
1996 -	75,000

Please feel free to contact me if I can be of further service.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim D. Rudd", written over a horizontal line.

Jim D. Rudd

/jfe

# TEXAS WATER COMMISSION

B. J. Wynne, III, Chairman  
John E. Birdwell, Commissioner  
Cliff Johnson, Commissioner



John J. Vay, General Counsel  
Michael E. Field, Chief Hearings Examiner  
Brenda W. Foster, Chief Clerk

Allen Beinke, Executive Director

February 4, 1991

The Honorable Gib Lewis  
Speaker of the House of Representatives  
State Capitol Building, Room 238  
Austin, Texas 78701

Re: Responsibility of the Texas Water Commission to submit a recommendation on legislation pursuant to Article XVI, Section 59 (d), Texas Constitution; and Responsibility of the Texas Water Commission and the Texas Water Development Board to submit a water development policy impact statement pursuant to HOUSE RULE 4, Section 37.

H.B. 530 by Rudd

Relating to the creation of the Llano Estacado  
Underground Water Conservation District

Dear Speaker Lewis:

The following attachment is submitted in response to the above-referenced constitutional and house rule requirements. Comments 1) and 4) were provided by the Texas Water Development Board and comments on the remaining items were provided by the Texas Water Commission.

Respectfully yours,

A handwritten signature in cursive script that reads "Allen Beinke".

Allen Beinke  
Executive Director

Enclosures

cc: Representative Lewis, Chairman  
House Natural Resources Committee  
Representative Rudd

TEXAS WATER COMMISSION AND TEXAS WATER DEVELOPMENT BOARD  
COMMENTS RELATING TO THE LLANO ESTACADO  
UNDERGROUND WATER CONSERVATION DISTRICT

Water Development Policy Impact Statement for House Bill 530 (H.B. 530) Regular Session, 72nd Legislature, relating to the creation, administration, powers, duties, operation, and financing of the Llano Estacado Underground Water Conservation District follows.

Wells located within the confines of this proposed district, which encompasses all of Gaines County, obtain their water principally from the Ogallala (High Plains) aquifer which underlies the entire county. Additionally, Cretaceous rocks which are in hydrologic continuity with the Ogallala are considered to be part of the High Plains aquifer, can also yield water to wells. There appears to be no hydrogeologic justification for the determination of district boundaries. Gaines County has been included as part of a Water Commission/Water Development Board Critical Area study currently underway.

H.B. 530 provides that the proposed district would have all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 50 and 52, Texas Water Code, applicable to underground water conservation districts created under Article XVI, Section 59, of the Texas Constitution. Specific impact statements related to required headings follow.

- 1) **Population projections** - The proposed District is coterminous with the boundaries of Gaines County. In 1980, the population of Gaines County was 13,150 residents. The County's population growth pattern over the last ten years reflects a



continuing increase in the number of residents with a 1990 population of 14,123. The Board's projected population for Gaines County indicates a continuation of this trend over the next twenty years with a population ranging from 15,129 to 15,523 residents.

- 2) District finances - The financing of the district is authorized by reference to Chapter 52, Water Code. The district may issue and sell bonds, and levy ad valorem taxes to pay for all or part of the bonds and for the district's maintenance. The tax rate is unlimited for the payment of bonds issued by the district. The tax rate shall not exceed 50 cents on each \$100 of assessed valuation for maintenance taxes. The board shall also include in any bond and tax proposition the maximum amount of bonds to be issued and their maximum maturity date.
- 3) **Board of directors & powers** - This proposed district is to be governed by a board of seven directors. The bill provides for and describes three sets of boards of directors. These are a temporary board, an initial permanent board, and the permanent board. The temporary directors are listed in the act. If a temporary director fails to qualify for office, the qualified temporary directors shall appoint a person to fill the vacancy. In the event there are fewer than three qualified temporary directors, the Texas Water Commission shall appoint the necessary number of persons to fill the vacancies. Temporary directors serve until initial permanent directors are elected and the initial permanent directors serve until the permanent directors are elected. Other than initial permanent directors, permanent directors

serve staggered four-year terms. Each director serves until his successor has qualified. Each director must qualify in the manner provided by Sections 51.078 and 51.079, Texas Water Code.

The temporary board shall call and hold a confirmation election including the election of seven initial permanent directors. A person who desires to be a candidate for the office of initial permanent director may file an application with the temporary board to have their name printed on the ballot as provided by Section 52.107, Texas Water Code. At the election, the names of the seven persons serving as temporary directors, together with any candidate filing for the office of director, shall be placed on the ballot. The ballot shall also provide blank spaces to write in the names of other persons. If the district is created at this election, the temporary directors at the time the vote is canvassed, shall declare the persons who receive the most votes to be elected as the initial permanent directors. The district shall include the results of the election in its election report to the Texas Water Commission. Section 41.001(a), Election Code, does not apply to the confirmation election; however, it must be conducted as provided by Sections 52.059(b) - (g), Texas Water Code, and the Election Code.

On the first Saturday of May of the second year after the year in which the district is authorized to be created, an election shall be held for the election of three permanent directors who shall serve two-year terms and four permanent directors who shall each serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board. Thus, the permanent directors

serve staggered four-year terms.

The district will have all of the rights, powers, privileges, authority, functions, and duties provided by the general law of the state, including Chapters 50 and 52, Texas Water Code, applicable to underground water conservation districts created under Article XVI, Section 59 of the Texas Constitution. These will primarily include the making and enforcement of rules for conserving, preserving, protecting, recharging, controlling subsidence, and preventing the waste of water of an underground water reservoir. The district would also have the authority to regulate spacing and production of water wells. This act prevails over any provision of general law that is in conflict or inconsistent with it.

- 4) **Effect on Texas Water Development Board's water plan** - Current and future water needs of the population, agriculture, and industries of Gaines County will continue to be supplied from ground water resources of the area. The Board finds that creation of the proposed District agrees with the Board's State Water Plan objectives of promoting the efficient use of ground-water resources and ground-water management programs for addressing local ground-water problems in order to enhance the availability and use of local ground-water supplies.
- 5) **Texas Water Commission's supervision** - This proposed district will be under the "continuing right of supervision of the State of Texas" by the Commission as set out by Section 12.081 of the Texas Water Code. It is also subject to applicable general reporting provision requirements for all districts as set out in Sections

50.101 through 50.106, Texas Water Code, as well as the general reporting requirements mandated by the Texas Water Commission.

Annually, the district shall make available to the Commission information that it acquires concerning underground water resources within its jurisdiction. The district shall also provide information to the Commission concerning its plans and activities in conserving and protecting underground water resources (Section 52.173).

Issuance of bonds and notes authorized for certain items must be approved by the Commission in the manner provided for in Chapter 52, Subchapter G, Texas Water Code. These include those authorized to: 1) erect or construct dams or to drain lakes, draws, depressions, and creeks; 2) install pumps and other equipment; and, 3) provide necessary facilities for the purchase, sale, transportation, and distribution of water.

- 6) **Eminent domain power** - This district may exercise this power to acquire any land or other property necessary to carry out this act.
- 7) **Exclusion of land from district** - This bill contains no specific provisions for the exclusion of land from the district.
- 8) **Adequacy of the boundary description** - The bill provides that the district include all the area of Gaines County, therefore, the boundary description is adequate in terms of closure. Portions of this county lie within Subdivision No. 4 of the Underground Water Reservoir in the Ogallala Formation, South of the Canadian River, which was delineated in 1956. This area was also part of

The South Plains Underground Water Conservation District No. 4, which was created in 1966 and ruled invalid by the Texas Supreme Court. Another attempt was made to form a district, but it was not confirmed by the voters. There are no apparent conflicts between the boundaries of this district and other existing entities. However, with the introduction of H.B. 456 which would create the Gaines County Solid Waste Disposal District encompassing the whole county, future coordination between the districts may be required.

9) **Comment on powers and duties different from similar types of districts -**

This bill proposes the creation of an underground water conservation district, with the powers that are given in Chapters 50 and 52, Texas Water Code, related to these districts. There are no unusual or special powers or duties which have been granted to this district.

It is noted that Chapter 52 was amended in 1989 to remove references to Chapter 51. A new section was added to Chapter 52 providing for the oath of office taken by directors. This provision, Section 52.108, conflicts with Section 51.078 referenced specifically in H.B. 530. However, the bill does contain the standard language providing that the act shall prevail in cases of conflict with general laws.

By: Rudd (Senate Sponsor - Montford) H.B. No. 530  
(In the Senate - Received from the House April 3, 1991;  
April 8, 1991, read first time and referred to Committee on Natural  
Resources; May 2, 1991, reported favorably by the following vote:  
Yeas 9, Nays 0; May 2, 1991, sent to printer.)

COMMITTEE VOTE

	Yea	Nay	PNV	Absent
Sims	x			
Truan				x
Armbrister	x			
Barrientos	x			
Brown	x			
Carriker				x
Lucio	x			
Ratliff	x			
Rosson	x			
Sibley	x			
Zaffirini	x			

A BILL TO BE ENTITLED  
AN ACT

relating to the creation, administration, powers, duties,  
operation, and financing of the Llano Estacado Underground Water  
Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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SECTION 3. BOUNDARIES. The boundaries of the district are  
coextensive with the boundaries of Gaines County, Texas.

SECTION 4. FINDING OF BENEFIT. All of the land and other  
property included within the boundaries of the district will be  
benefited by the works and projects that are to be accomplished by  
the district under powers conferred by Article XVI, Section 59, of  
the Texas Constitution. The district is created to serve a public  
use and benefit.

SECTION 5. POWERS. (a) The district has all the rights,  
powers, privileges, authority, functions, and duties provided by  
the general law of this state, including Chapters 50 and 52, Water  
Code, applicable to underground water conservation districts  
created under Article XVI, Section 59, of the Texas Constitution.  
This Act prevails over any provision of general law that is in  
conflict or inconsistent with this Act.

(b) The rights, powers, privileges, authority, functions,  
and duties of the district are subject to the continuing right of  
supervision of the state to be exercised by and through the Texas  
Water Commission.

SECTION 6. ELECTION OF DIRECTORS. (a) The directors of the  
district shall be elected according to the commissioners precinct  
method as provided by this Act.

(b) One director shall be elected by the electors of the  
entire district and one director shall be elected from each county  
commissioners precinct by the electors of that precinct.

(c) A person shall indicate on the application for a place  
on the ballot the precinct that the person seeks to represent or  
that the person seeks to represent the district at large.

(d) At the first election after the county commissioners  
precincts are redrawn under Article V, Section 18, of the Texas  
Constitution, four new directors shall be elected to represent the

precincts. The directors elected shall draw lots to determine their terms.

SECTION 7. BOARD OF DIRECTORS. (a) The district is governed by a board of five directors.

(b) A vacancy in the office of director shall be filled by appointment of the board until the next election for directors. If the position is not scheduled to be filled at the election, the person elected to fill the position shall serve only for the remainder of the unexpired term.

(c) To be eligible to serve as director, a person must be a registered voter in the precinct from which the person is elected or appointed if representing a precinct or in the district if representing the district at large.

SECTION 8. SERVICE OF DIRECTORS. (a) Temporary directors serve until initial directors are elected under Section 10.

(b) Initial directors serve until permanent directors are elected under Section 11.

(c) Permanent directors serve staggered four-year terms.

(d) Each director must qualify to serve as director in the manner provided by Sections 51.078 and 51.079, Water Code.

(e) A director serves until the director's successor has qualified.

SECTION 9. TEMPORARY DIRECTORS. (a) The temporary board of directors is composed of:

- (1) Phil Wallace - at large
- (2) Roy Wicker - Precinct No. 1
- (3) Horace Hancock - Precinct No. 2
- (4) Doyle Darby - Precinct No. 3
- (5) Earl Houston - Precinct No. 4

(b) If a temporary director fails to qualify for office, the temporary directors who have qualified shall appoint a person to fill the vacancy. If at any time there are fewer than three qualified temporary directors, the Texas Water Commission shall appoint the necessary number of persons to fill all vacancies on the board.

SECTION 10. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

(a) The temporary board of directors shall call and hold an election to confirm establishment of the district and to elect five initial directors.

(b) A person, including a temporary director, who desires to be a candidate for the office of initial director may file an application with the temporary board to have the candidate's name printed on the ballot as provided by Section 52.107, Water Code.

(c) At the confirmation and initial directors' election, the temporary board of directors shall have the name of any candidate filing for the office of director as provided by Subsection (b) of this section placed on the ballot and blank spaces to write in the names of other persons. If the district is created at the election, the temporary board of directors, at the time the vote is canvassed, shall declare the person who receives the most votes in each precinct to be elected as director for that precinct and the person who receives the most votes in the district to be elected as director for the district at large. The district shall include the results of the directors' election in its election report to the Texas Water Commission.

(d) Section 41.001(a), Election Code, does not apply to a confirmation and initial directors' election held as provided by this section.

(e) Except as provided by this section, a confirmation and initial directors' election must be conducted as provided by Sections 52.059(b)-(g), Water Code, and the Election Code.

SECTION 11. ELECTION OF DIRECTORS. On the first Saturday in May of the second year after the year in which the district is authorized to be created at a confirmation election, an election shall be held in the district for the election of the directors for Precinct Nos. 1 and 3, who shall each serve two-year terms, and the directors for Precinct Nos. 2 and 4 and for the district at large, who shall each serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board.

SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

(a) The proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and other laws of this state, including the governor, who has submitted the notice and Act to the Texas Water Commission.

(b) The Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(c) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 13. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

\* \* \* \* \*

Austin, Texas  
May 2, 1991

Hon. Bob Bullock  
President of the Senate

Sir:

We, your Committee on Natural Resources to which was referred H.B. No. 530, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Sims, Chairman



**FAVORABLE**  
**SENATE COMMITTEE REPORT ON** <sup>LM</sup>

SB SCR SJR SR HB HCR HJR ~~530~~ **530**

By Rudd / Montford  
(Author/Senate Sponsor)

5-2-91  
(date of submission to Senate)

Lt. Governor Bob Bullock  
President of the Senate

Sir:

We, your Committee on Natural Resources, to which was referred the attached measure,  
have on 5-1-91, had the same under consideration and I am instructed to report it  
(date of hearing)  
back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☐ no

An actuarial analysis was requested. ☐ yes ☐ no

Considered by subcommittee. ☐ yes ☐ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Sims, Chairman	✓			
Truan, Vice Chairman			✓	
Armbrister	✓			
Barrientos	✓			
Brown	✓			
Carriker			✓	
Lucio	✓			
Ratliff	✓			
Rosson	✓			
Zaffirini	✓			
<u>Sibley</u>	✓			
TOTAL VOTES	9		2	

**COMMITTEE ACTION**

S260 Considered in public hearing  
S270 Testimony taken

Lisa Sharp  
COMMITTEE CLERK

Richard P.  
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill  
Deliver one copy of this form to the Calendar Clerk, Room 218 Capitol  
Deliver one copy of this form to the Legislative Reference Library, Room 207B Capitol  
Retain one copy of this form for Committee files

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE**

**April 16, 1991**

**TO: Honorable Bill Sims, Chairman  
Committee on Natural Resources  
Senate Chamber  
Austin, Texas**

**IN RE: House Bill No. 530, as engrossed  
By: Rudd**

**FROM: Jim Oliver, Director**

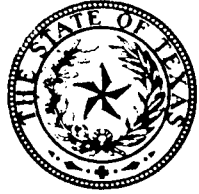
In response to your request for a Fiscal Note on House Bill No. 530, as engrossed (relating to the creation, administration, powers, duties, operation, and financing of the Llano Estacado Underground Water Conservation District) this office has determined the following:

No fiscal implication to the State is anticipated.

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the Senate as to its probable fiscal implication on units of local government.

Source: LBB Staff: JO, JWH, DF, JG, PA

# Texas House of Representatives



- ☐ P.O. Box 2910  
Austin, Texas 78768-2910  
(512) 463-0678  
Rm. 313, Capitol
- ☐ 420 W. Main  
Brownfield, Texas 79316  
(806) 637-7616

STATE REPRESENTATIVE

*Jim D. Rudd*

February 15, 1991

The Honorable Ron Lewis, Chair  
Committee on Natural Resources  
Reagan Building, Room 214

Dear Chairman Lewis:

Below are the fiscal projections for my bill, HB 530, relating to the creation, administration, powers, duties, operation, and financing of the Llano Estacado Underground Water Conservation District.

1992 -	\$100,000
1993 -	75,000
1994 -	75,000
1995 -	75,000
1996 -	75,000

Please feel free to contact me if I can be of further service.

Sincerely,

A handwritten signature in cursive script, reading "Jim D. Rudd".

Jim D. Rudd

/jfe

## TEXAS WATER COMMISSION



B. J. Wynne, III, Chairman  
John E. Birdwell, Commissioner  
Cliff Johnson, Commissioner

John J. Vay, General Counsel  
Michael E. Field, Chief Hearings Examiner  
Brenda W. Foster, Chief Clerk

Allen Beinke, Executive Director

February 4, 1991

The Honorable Gib Lewis  
Speaker of the House of Representatives  
State Capitol Building, Room 238  
Austin, Texas 78701

Re: Responsibility of the Texas Water Commission to submit a recommendation on legislation pursuant to Article XVI, Section 59 (d), Texas Constitution; and Responsibility of the Texas Water Commission and the Texas Water Development Board to submit a water development policy impact statement pursuant to HOUSE RULE 4, Section 37.

H.B. 530 by Rudd

Relating to the creation of the Llano Estacado  
Underground Water Conservation District

Dear Speaker Lewis:

The following attachment is submitted in response to the above-referenced constitutional and house rule requirements. Comments 1) and 4) were provided by the Texas Water Development Board and comments on the remaining items were provided by the Texas Water Commission.

Respectfully yours,

A handwritten signature in cursive script that reads "Allen Beinke".

Allen Beinke  
Executive Director

Enclosures

cc: Representative Lewis, Chairman  
House Natural Resources Committee  
Representative Rudd

TEXAS WATER COMMISSION AND TEXAS WATER DEVELOPMENT BOARD  
COMMENTS RELATING TO THE LLANO ESTACADO  
UNDERGROUND WATER CONSERVATION DISTRICT

Water Development Policy Impact Statement for House Bill 530 (H.B. 530) Regular Session, 72nd Legislature, relating to the creation, administration, powers, duties, operation, and financing of the Llano Estacado Underground Water Conservation District follows.

Wells located within the confines of this proposed district, which encompasses all of Gaines County, obtain their water principally from the Ogallala (High Plains) aquifer which underlies the entire county. Additionally, Cretaceous rocks which are in hydrologic continuity with the Ogallala are considered to be part of the High Plains aquifer, can also yield water to wells. There appears to be no hydrogeologic justification for the determination of district boundaries. Gaines County has been included as part of a Water Commission/Water Development Board Critical Area study currently underway.

H.B. 530 provides that the proposed district would have all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 50 and 52, Texas Water Code, applicable to underground water conservation districts created under Article XVI, Section 59, of the Texas Constitution. Specific impact statements related to required headings follow.

- 1) **Population projections** - The proposed District is coterminous with the boundaries of Gaines County. In 1980, the population of Gaines County was 13,150 residents. The County's population growth pattern over the last ten years reflects a

continuing increase in the number of residents with a 1990 population of 14,123. The Board's projected population for Gaines County indicates a continuation of this trend over the next twenty years with a population ranging from 15,129 to 15,523 residents.

- 2) District finances - The financing of the district is authorized by reference to Chapter 52, Water Code. The district may issue and sell bonds, and levy ad valorem taxes to pay for all or part of the bonds and for the district's maintenance. The tax rate is unlimited for the payment of bonds issued by the district. The tax rate shall not exceed 50 cents on each \$100 of assessed valuation for maintenance taxes. The board shall also include in any bond and tax proposition the maximum amount of bonds to be issued and their maximum maturity date.
- 3) **Board of directors & powers** - This proposed district is to be governed by a board of seven directors. The bill provides for and describes three sets of boards of directors. These are a temporary board, an initial permanent board, and the permanent board. The temporary directors are listed in the act. If a temporary director fails to qualify for office, the qualified temporary directors shall appoint a person to fill the vacancy. In the event there are fewer than three qualified temporary directors, the Texas Water Commission shall appoint the necessary number of persons to fill the vacancies. Temporary directors serve until initial permanent directors are elected and the initial permanent directors serve until the permanent directors are elected. Other than initial permanent directors, permanent directors

serve staggered four-year terms. Each director serves until his successor has qualified. Each director must qualify in the manner provided by Sections 51.078 and 51.079, Texas Water Code.

The temporary board shall call and hold a confirmation election including the election of seven initial permanent directors. A person who desires to be a candidate for the office of initial permanent director may file an application with the temporary board to have their name printed on the ballot as provided by Section 52.107, Texas Water Code. At the election, the names of the seven persons serving as temporary directors, together with any candidate filing for the office of director, shall be placed on the ballot. The ballot shall also provide blank spaces to write in the names of other persons. If the district is created at this election, the temporary directors at the time the vote is canvassed, shall declare the persons who receive the most votes to be elected as the initial permanent directors. The district shall include the results of the election in its election report to the Texas Water Commission. Section 41.001(a), Election Code, does not apply to the confirmation election; however, it must be conducted as provided by Sections 52.059(b) - (g), Texas Water Code, and the Election Code.

On the first Saturday of May of the second year after the year in which the district is authorized to be created, an election shall be held for the election of three permanent directors who shall serve two-year terms and four permanent directors who shall each serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board. Thus, the permanent directors

serve staggered four-year terms.

The district will have all of the rights, powers, privileges, authority, functions, and duties provided by the general law of the state, including Chapters 50 and 52, Texas Water Code, applicable to underground water conservation districts created under Article XVI, Section 59 of the Texas Constitution. These will primarily include the making and enforcement of rules for conserving, preserving, protecting, recharging, controlling subsidence, and preventing the waste of water of an underground water reservoir. The district would also have the authority to regulate spacing and production of water wells. This act prevails over any provision of general law that is in conflict or inconsistent with it.

- 4) **Effect on Texas Water Development Board's water plan** - Current and future water needs of the population, agriculture, and industries of Gaines County will continue to be supplied from ground water resources of the area. The Board finds that creation of the proposed District agrees with the Board's State Water Plan objectives of promoting the efficient use of ground-water resources and ground-water management programs for addressing local ground-water problems in order to enhance the availability and use of local ground-water supplies.
- 5) **Texas Water Commission's supervision** - This proposed district will be under the "continuing right of supervision of the State of Texas" by the Commission as set out by Section 12.081 of the Texas Water Code. It is also subject to applicable general reporting provision requirements for all districts as set out in Sections



50.101 through 50.106, Texas Water Code, as well as the general reporting requirements mandated by the Texas Water Commission.

Annually, the district shall make available to the Commission information that it acquires concerning underground water resources within its jurisdiction. The district shall also provide information to the Commission concerning its plans and activities in conserving and protecting underground water resources (Section 52.173).

Issuance of bonds and notes authorized for certain items must be approved by the Commission in the manner provided for in Chapter 52, Subchapter G, Texas Water Code. These include those authorized to: 1) erect or construct dams or to drain lakes, draws, depressions, and creeks; 2) install pumps and other equipment; and, 3) provide necessary facilities for the purchase, sale, transportation, and distribution of water.

- 6) **Eminent domain power** - This district may exercise this power to acquire any land or other property necessary to carry out this act.
- 7) **Exclusion of land from district** - This bill contains no specific provisions for the exclusion of land from the district.
- 8) **Adequacy of the boundary description** - The bill provides that the district include all the area of Gaines County, therefore, the boundary description is adequate in terms of closure. Portions of this county lie within Subdivision No. 4 of the Underground Water Reservoir in the Ogallala Formation, South of the Canadian River, which was delineated in 1956. This area was also part of

The South Plains Underground Water Conservation District No. 4, which was created in 1966 and ruled invalid by the Texas Supreme Court. Another attempt was made to form a district, but it was not confirmed by the voters. There are no apparent conflicts between the boundaries of this district and other existing entities. However, with the introduction of H.B. 456 which would create the Gaines County Solid Waste Disposal District encompassing the whole county, future coordination between the districts may be required.


9) **Comment on powers and duties different from similar types of districts -**

This bill proposes the creation of an underground water conservation district, with the powers that are given in Chapters 50 and 52, Texas Water Code, related to these districts. There are no unusual or special powers or duties which have been granted to this district.

It is noted that Chapter 52 was amended in 1989 to remove references to Chapter 51. A new section was added to Chapter 52 providing for the oath of office taken by directors. This provision, Section 52.108, conflicts with Section 51.078 referenced specifically in H.B. 530. However, the bill does contain the standard language providing that the act shall prevail in cases of conflict with general laws.

2017 08 12

W. Lee Row

 **PAULA KUBICEK**  
Notary Public, State of Texas  
My Commission Expires 12-03-94

**Notary Public, Gaines County, Texas**

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## NOTICES

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### NOTICE OF INTENT

This is to give notice of the intent to introduce a bill in the 72nd Legislature -- to be entitled an act relating to the creation of the Llano Estacado Underground Water Conservation District, the boundaries of which would be identical to the County of Gaines boundaries.

Published in The Seminole Sentinel on December 23rd, 1990.

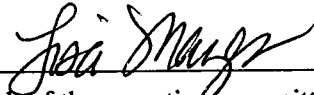
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## REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

Hon. Bill Haley, Chairman  
Administration Committee

Sir:

Notice is hereby given that HB 530, by: Montford,  
(Bill No.) (author)  
was heard by the Committee on Natural Resources on 5-1 19 91,  
and reported out with the recommendation that it be placed on the Local Uncontested Bills Calendar.

  
Clerk of the reporting committee

IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A PRINTED COPY OF THE BILL OR RESOLUTION, WHICH ALONG WITH 14 ADDITIONAL COPIES OF THE BILL OR RESOLUTION SHOULD BE DELIVERED TO ROOM 419. DEADLINE FOR SUBMITTING BILLS FOR THE LOCAL CALENDAR IS 5:00 P.M. FRIDAY.

Paper clip the original to the bill; retain one copy for reporting committee files; deliver one copy to the bill sponsor.

<sup>F</sup>  
**ENROLLED**

H.B. No. 530

1                                   AN ACT

2   relating to the creation, administration, powers, duties,  
3   operation, and financing of the Llano Estacado Underground Water  
4   Conservation District.

5           BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6           SECTION 1. CREATION. (a) An underground water conservation  
7   district, to be known as the Llano Estacado Underground Water  
8   Conservation District, is created in Gaines County, subject to  
9   approval at a confirmation election under Section 10 of this Act.  
10   The district is a governmental agency and a body politic and  
11   corporate.

12           (b) The district is created under and is essential to  
13   accomplish the purposes of Article XVI, Section 59, of the Texas  
14   Constitution.

15           SECTION 2. DEFINITION. In this Act, "district" means the  
16   Llano Estacado Underground Water Conservation District.

17           SECTION 3. BOUNDARIES. The boundaries of the district are  
18   coextensive with the boundaries of Gaines County, Texas.

19           SECTION 4. FINDING OF BENEFIT. All of the land and other  
20   property included within the boundaries of the district will be  
21   benefited by the works and projects that are to be accomplished by  
22   the district under powers conferred by Article XVI, Section 59, of  
23   the Texas Constitution. The district is created to serve a public  
24   use and benefit.

1           SECTION 5. POWERS.     (a)   The district has all the rights,  
2 powers, privileges, authority, functions, and duties provided by  
3 the general law of this state, including Chapters 50 and 52, Water  
4 Code, applicable to underground water conservation districts  
5 created under Article XVI, Section 59, of the Texas Constitution.  
6 This Act prevails over any provision of general law that is in  
7 conflict or inconsistent with this Act.

8           (b) The rights, powers, privileges, authority, functions,  
9 and duties of the district are subject to the continuing right of  
10 supervision of the state to be exercised by and through the Texas  
11 Water Commission.

12          SECTION 6. ELECTION OF DIRECTORS. (a) The directors of the  
13 district shall be elected according to the commissioners precinct  
14 method as provided by this Act.

15          (b) One director shall be elected by the electors of the  
16 entire district and one director shall be elected from each county  
17 commissioners precinct by the electors of that precinct.

18          (c) A person shall indicate on the application for a place  
19 on the ballot the precinct that the person seeks to represent or  
20 that the person seeks to represent the district at large.

21          (d) At the first election after the county commissioners  
22 precincts are redrawn under Article V, Section 18, of the Texas  
23 Constitution, four new directors shall be elected to represent the  
24 precincts. The directors elected shall draw lots to determine  
25 their terms.

26          SECTION 7. BOARD OF DIRECTORS. (a) The district is  
27 governed by a board of five directors.

1           (b) A vacancy in the office of director shall be filled by  
2 appointment of the board until the next election for directors. If  
3 the position is not scheduled to be filled at the election, the  
4 person elected to fill the position shall serve only for the  
5 remainder of the unexpired term.

6           (c) To be eligible to serve as director, a person must be a  
7 registered voter in the precinct from which the person is elected  
8 or appointed if representing a precinct or in the district if  
9 representing the district at large.

10          SECTION 8. SERVICE OF DIRECTORS. (a) Temporary directors  
11 serve until initial directors are elected under Section 10.

12          (b) Initial directors serve until permanent directors are  
13 elected under Section 11.

14          (c) Permanent directors serve staggered four-year terms.

15          (d) Each director must qualify to serve as director in the  
16 manner provided by Sections 51.078 and 51.079, Water Code.

17          (e) A director serves until the director's successor has  
18 qualified.

19          SECTION 9. TEMPORARY DIRECTORS. (a) The temporary board of  
20 directors is composed of:

21               (1) Phil Wallace - at large

22               (2) Roy Wicker - Precinct No. 1

23               (3) Horace Hancock - Precinct No. 2

24               (4) Doyle Darby - Precinct No. 3

25               (5) Earl Houston - Precinct No. 4

26          (b) If a temporary director fails to qualify for office, the  
27 temporary directors who have qualified shall appoint a person to



1 fill the vacancy. If at any time there are fewer than three  
2 qualified temporary directors, the Texas Water Commission shall  
3 appoint the necessary number of persons to fill all vacancies on  
4 the board.

5 SECTION 10. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

6 (a) The temporary board of directors shall call and hold an  
7 election to confirm establishment of the district and to elect five  
8 initial directors.

9 (b) A person, including a temporary director, who desires to  
10 be a candidate for the office of initial director may file an  
11 application with the temporary board to have the candidate's name  
12 printed on the ballot as provided by Section 52.107, Water Code.

13 (c) At the confirmation and initial directors' election, the  
14 temporary board of directors shall have the name of any candidate  
15 filing for the office of director as provided by Subsection (b) of  
16 this section placed on the ballot and blank spaces to write in the  
17 names of other persons. If the district is created at the  
18 election, the temporary board of directors, at the time the vote is  
19 canvassed, shall declare the person who receives the most votes in  
20 each precinct to be elected as director for that precinct and the  
21 person who receives the most votes in the district to be elected as  
22 director for the district at large. The district shall include the  
23 results of the directors' election in its election report to the  
24 Texas Water Commission.

25 (d) Section 41.001(a), Election Code, does not apply to a  
26 confirmation and initial directors' election held as provided by  
27 this section.

1           (e) Except as provided by this section, a confirmation and  
2 initial directors' election must be conducted as provided by  
3 Sections 52.059(b)-(g), Water Code, and the Election Code.

4           SECTION 11. ELECTION OF DIRECTORS. On the first Saturday in  
5 May of the second year after the year in which the district is  
6 authorized to be created at a confirmation election, an election  
7 shall be held in the district for the election of the directors for  
8 Precinct Nos. 1 and 3, who shall each serve two-year terms, and the  
9 directors for Precinct Nos. 2 and 4 and for the district at large,  
10 who shall each serve four-year terms. Thereafter, on the same date  
11 in each subsequent second year, the appropriate number of directors  
12 shall be elected to the board.

13           SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

14           (a) The proper and legal notice of the intention to introduce this  
15 Act, setting forth the general substance of this Act, has been  
16 published as provided by law, and the notice and a copy of this Act  
17 have been furnished to all persons, agencies, officials, or  
18 entities to which they are required to be furnished by the  
19 constitution and other laws of this state, including the governor,  
20 who has submitted the notice and Act to the Texas Water Commission.

21           (b) The Texas Water Commission has filed its recommendations  
22 relating to this Act with the governor, lieutenant governor, and  
23 speaker of the house of representatives within the required time.

24           (c) All requirements of the constitution and laws of this  
25 state and the rules and procedures of the legislature with respect  
26 to the notice, introduction, and passage of this Act are fulfilled  
27 and accomplished.

1           SECTION 13. EMERGENCY. The importance of this legislation  
2 and the crowded condition of the calendars in both houses create an  
3 emergency and an imperative public necessity that the  
4 constitutional rule requiring bills to be read on three several  
5 days in each house be suspended, and this rule is hereby suspended,  
6 and that this Act take effect and be in force from and after its  
7 passage, and it is so enacted.

H.B. No. 530

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 530 was passed by the House on April 2, 1991, by the following vote: Yeas 146, Nays 0, 1 present, not voting.

---

Chief Clerk of the House

I certify that H.B. No. 530 was passed by the Senate on May 10, 1991, by the following vote: Yeas 31, Nays 0.

---

Secretary of the Senate

APPROVED:

---

Date

---

Governor

H. B. No.

530

By

Rudd

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Llano Estacado Underground Water Conservation District.

JAN 23 1991

1. Filed with the Chief Clerk.

FEB 6 1991

2. Read first time and Referred to Committee on

NATURAL RESOURCES

MAR 4 1991

3. Reported ☒ favorably ~~(amended)~~ (as substituted) and sent to Printer at 11:03 am. 3-5-91 DSK.

MAR 7 1991

4. Printed and distributed at 9:06 p

MAR 8 1991

5. Sent to Committee on Calendars at 8:33 am

MAR 27 1991

6. Read second time ~~(amended)~~ <sup>no subs.</sup>; passed to third reading ~~(amended)~~ by (Non-Record Vote) ~~(Record Vote of \_\_\_\_\_ years, \_\_\_\_\_ days, \_\_\_\_\_ present, not voting).~~

7. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ years, \_\_\_\_\_ days, and \_\_\_\_\_ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_\_ years, \_\_\_\_\_ days, and \_\_\_\_\_ present, not voting.

APR 2 1991

9. Read third time ~~(amended)~~; finally passed ~~(failed)~~ by ~~(Non-Record Vote)~~ (Record Vote) of 146 yeas, 0 nays, 1 present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. \_\_\_\_\_ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ years, \_\_\_\_\_ days, and \_\_\_\_\_ present, not voting).

APR 2 1991

12. Ordered Engrossed at 2:44 pm

APR 2 1991

13. Engrossed.

APR 2 1991

14. Returned to Chief Clerk at 6:55 p

APR 3 1991

15. Sent to Senate.

Betty Murray  
Chief Clerk of the House

APR 3 1991

16. Received from the House

APR 8 1991

17. Read, referred to Committee on NATURAL RESOURCES

MAY 2 1991

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by (a viva voce vote.) \_\_\_\_\_ yeas, \_\_\_\_\_ days.)

22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

MAY 10 1991

*Laid before Senate*

23. Read second time \_\_\_\_\_ passed to third reading by: (a viva voce vote.) \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

24. Caption ordered amended to conform to body of bill.

MAY 10 1991

25. Senate and Constitutional 3-Day Rules suspended by vote of 31 yeas, 0 nays to place bill on third reading and final passage.

MAY 10 1991

26. Read third time and passed by

(a viva voce vote.)  
31 yeas, 0 nays.)

OTHER ACTION:

OTHER ACTION:

*Betty King*

Secretary of the Senate

5-10-91

27. Returned to the House.

MAY 10 1991

28. Received from the Senate <sup>(with amendments.)</sup>  
~~(as substituted.)~~

29. House (Concurred) (Refused to Concur) in Senate <sup>(Amendments)</sup>  
<sup>(Substitute)</sup> by a (Non-Record  
Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
not voting).

30. Conference Committee Ordered.

MAY 10 1991

31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting)

32. Ordered Enrolled at 10:39 am

HOUSE OF REPRESENTATIVES

91 APR - 2 PM 6:55

HOUSE OF REPRESENTATIVES

91 MAR - 7 PM 9:06